

**SAN DIEGO LAFCO
MINUTES OF THE REGULAR MEETING
AUGUST 6, 2007**

There being a quorum present, the meeting was convened at 9:00 a.m. by Chairman Andy Vanderlaan. Also present were: Regular Commissioners – Supervisor Dianne Jacob, Mayor Carl Hilliard, Andy Menshek, Bud Pocklington, and Councilmember Betty Rexford. Alternate Commissioners – Supervisor Greg Cox, Mayor Mark Lewis, Harry Mathis, and John Ingalls; LAFCO Staff – Executive Officer Michael Ott; Local Governmental Analysts Robert Barry and Claire Riley; LAFCO Consultant Harry Ehrlich; and LAFCO Legal Counsel William Smith. Absent were: Regular Commissioners – Councilmember Toni Atkins and Supervisor Bill Horn.

Item 1

Approval of Minutes of Meeting Held June 11, 2007

With Commissioner Bud Pocklington abstaining, on motion of Commissioner Rexford, seconded by Commissioner Hilliard, and carried unanimously by the commissioners present, the Commission dispensed with reading the minutes of June 11, 2007, and approved said minutes.

Item 2

Executive Officer's Recommended Agenda Revisions

At the request of Michael Ott, the Commission decided to add Item No. 13 (Cancellation of the September 10th LAFCO Meeting) to the agenda. In addition, the Commission decided to waive the staff reports for Items 6A & 6B (Adoption of an Amendment and El Norte Parkway Reorganization [Vallecitos Water District]) and Items 7A & 7B (Adoption of an Amendment and Sunset Park Annexation to the Vallecitos Water District) since there were no speaker slips in opposition to LAFCO staff's recommendation to both items.

Item 3

Commissioner/Executive Officer Announcements

Michael Ott announced that LAFCO's Legal Counsel, William Smith, would be retiring sometime in early 2008. Mr. Ott also announced that Ingrid Hansen, Chief of Governmental Services, would be retiring sometime in the fall 2007. He said their retirements would be a great loss to LAFCO, and thanked both of them for their dedicated service to LAFCO.

Mr. Ott announced the promotion of Claire Riley to a Local Governmental Analyst position that was effective July 1, 2007.

Item 4

Public Comment

Michael Ott indicated that there were no public comments.

Item 5A
Adoption of an Amendment to the Sphere of Influence for the Vallecitos Water District (SA05-31)

Item 5B
Proposed “El Norte Parkway Reorganization” (Vallecitos Water District) (RO05-31)

At the request of Michael Ott, the Commission waived the staff report.

Chairman Andy Vanderlaan opened the public hearing.

With no speakers slips submitted to the Commission in opposition of LAFCO staff’s recommendation, and no discussion from the Commission, on motion of Commissioner Rexford, seconded by Alternate Commissioner Cox, and carried unanimously by the commissioners present, the Commission closed the public hearing and took the following action:

- (1) Found in accordance with the Executive Officer's determination, that pursuant to Section 15319(b) of the State CEQA Guidelines, the reorganization is not subject to the environmental impact evaluation process because the proposal area involves reorganization of individual small parcels of the minimum size for facilities exempted by Section 15303;
- (2) Amended the sphere of influence of the Vallecitos Water District and adopted the written Statement of Determinations as shown in Exhibit A; and
- (3) Adopted the form of resolution approving this minor sphere amendment and reorganization for the reasons set forth in the Executive Officer’s Report, waived the Conducting Authority proceedings according to Government Code Section 56663(c), and ordered the reorganization subject to the following conditions:

Vallecitos Water District

- a. Annexation into Vallecitos Water District for water service and into Sewer Improvement Districts 5 and 6 for sewer service.

Payment of water annexation fee	\$1,101.13
Payment of Sewer Annexation fee	\$4,192.48
Payment of State Board of Equalization fee	<u>\$ 350.00</u>
Total annexation fees	\$5,643.61

- b. Submittal of copy of title report showing ownership with metes and bounds legal description of the property.

- c. No construction of or connection to any water and sewer mains will be allowed until completion of the annexation to VWD, detachment from VID, approval from LAFCO, payment of annexation fees, payment of water and sewer capital facilities fees, payment of all current fees and charges, and completion of all water and sewer facilities required for the project.

Vista Irrigation District

- a. Payment of the following detachment fees to the Vista Irrigation District:

VID Administration fee	\$1,068.00
Assignment of Water Rights Document	<u>\$ 160.00</u>
Total detachment fees	\$1,228.00

- b. Removal of VID water meter and water lateral.

Item 6A

Adoption of an Amendment to the Sphere of Influence for the Vallecitos Water District (SA07-03)

Item 6B

Proposed “Sunset Park Annexation” to the Vallecitos Water District (DA07-03)

At the request of Michael Ott, the Commission waived the staff report.

Chairman Andy Vanderlaan opened the public hearing.

With no speakers slips submitted to the Commission in opposition of LAFCO staff’s recommendation, and no discussion from the Commission, on motion of Commissioner Rexford, seconded by Alternate Commissioner Cox, and carried unanimously by the commissioners present, the Commission closed the public hearing and took the following action:

- (1) Certified that the information contained in the Negative Declaration and Addendum prepared by the City of San Marcos has been reviewed and considered;
- (2) Amended the sphere of influence for the Vallecitos Water District and adopted the written Statement of Determinations as shown in Exhibit A; and
- (3) Adopted the form of resolution approving this minor sphere amendment and annexation for the reasons set forth in the Executive Officer’s Report, waived the Conducting Authority proceedings according to the Government Code Section 56663(c), and ordered the annexation subject to the following conditions:
 - a. Annexation into Vallecitos Water District and Sewer Improvement Districts 1, 2, 6 and “A” for sewer service only.

- b. Payment of annexation fee of \$2,653.47 per acre (22.15 acres), = \$58,774.36.
- c. Payment of State Board of Equalization Fee of \$1,200.00
- d. Submit a copy of title report with metes and bounds legal description of the properties to be annexed including tract maps and traverse calculations, if applicable.
- e. No construction of or connection to District sewer facilities will be allowed until completion of annexation, completion of LAFCO proceedings, payment of annexation fees, payment of wastewater capital facilities fees, completion of sewer facilities required for the project, and payment of all current fees and charges.
- f. Initiate annexation proceedings with LAFCO within 90 days of initial Board approval.

Item 7A

Adoption of an Amendment to the Sphere of Influence for the Helix Water District (SA07-05)

Item 7B

Proposed "Citrus Heights Reorganization" (Helix Water District / Lemon Grove Sanitation District) (RO07-05)

Michael Ott reported that LAFCO received a letter on August 3, 2007, from the Encanto Gas Holder Victims, in opposition of the proposed sphere amendment and reorganization; the letter was distributed to the Commission. Mr. Ott invited Mr. John Gonzales, representative for the Encanto Gas Holder Victims, to the podium to address his concerns to the Commission.

Chairman Andy Vanderlaan opened the public hearing.

Mr. Gonzales addressed the Commission in opposition to the proposed sphere amendment and reorganization. He discussed and submitted an outline of his concerns to the Commission in relation to allegations of various violations of California Health and Safety Codes involving the subject area.

Ken Kluskey (Representative for Applicant) and Jim Lowe (City Attorney for Lemon Grove) addressed the Commission in support of the sphere amendment and reorganization. They both indicated that the Department of State of Substance Control deemed the site clean and issued the proponents a certified verification on June 24, 2004. Mr. Lowe said that the State and the developer are monitoring the development project.

In response to Mr. Gonzales' concerns, Commissioner Jacob said that LAFCO is only acting on the proposed sphere amendment and reorganization and that the Commission does not have any purview over the issues discussed by Mr. Gonzales.

Mark Weston, General Manager for Helix Water District, addressed the Commission in support of the proposed sphere amendment and reorganization and indicated that the

San Diego County Water Authority (CWA) and the Metropolitan Water District (MET) also conditionally approved the project.

In response to a question from Commissioner Jacob, LAFCO's Legal Counsel William Smith said that the Commission's action to the proposed sphere amendment and reorganization has no affect on claims that the Encanto Gas Holder Victims may pursue. Mr. Smith also indicated that various state agencies are monitoring the project.

With no additional speakers, and no further discussion from the Commission, on motion of Commissioner Jacob, seconded by Commissioner Pocklington, and carried unanimously by the commissioners present, the Commission closed the public hearing and took the following actions:

- (1) Certified that the information contained in the Mitigated Negative Declaration prepared by the City of Lemon Grove has been reviewed and considered;
- (2) Amended the sphere of influence of the Helix Water District and adopted the written Statement of Determinations as shown in Exhibit A; and
- (3) Adopted a form of resolution approving this minor sphere amendment and reorganization for the reasons set forth in the Executive Officer's Report, waived the Conducting authority proceedings according to Government Code Section 56663(c), and ordered the reorganization subject to the following condition:

Helix Water District

Annexation to the Metropolitan Water District (MET) and the San Diego County Water Authority (CWA) subject to the terms and conditions of the MET and CWA.

Item 8A

Update of Special Districts Sphere of Influence and Municipal Service Review Summaries

Item 8B

Sphere of Influence and Municipal Service Review: Special Districts

Chairman Andy Vanderlaan opened the public hearing.

Michael Ott provided a brief summary of the reports to the Commission. He indicated that January 2008 was the deadline to update San Diego County's spheres of influence. He said that the Profiles of Special Districts publication that was distributed to the Commission would be utilized as a database for SOIs in the future. Mr. Ott introduced Claire Riley and Harry Ehrlich, who assisted in the completion of the publication.

Claire Riley discussed the process of obtaining information for the Profiles of Special Districts publication.

Mr. Ehrlich provided the Commission with a PowerPoint presentation of sphere of influence maps for different districts that provide various services.

In response to a question from Commissioner Cox, Michael Ott said that the Profiles of Special Districts publication would be updated every five years.

In response to questions from Commissioner Jacob, Michael Ott indicated that the San Diego LAFCO has won numerous statewide awards for consolidating over 85 special districts since 1988.

With no speaker slips in opposition of the items, and no further discussion from the Commission, on motion of Commissioner Menshek, seconded by Commissioner Jacob, and carried unanimously by the commissioners present, the Commission closed the public hearing and took the following action:

- (1) Found in accordance with the Executive Officer's determination that pursuant to Section 15061(b)(3) of the State CEQA Guidelines, the sphere affirmations, transitional sphere designation(s), special study area(s) and/or minor sphere amendment(s) are not subject to the environmental impact evaluation process because it can be seen with certainty that there is no possibility for the proposed projects to significantly impact the environment, and the activity is not subject to CEQA;
- (2) Found in accordance with the Executive Officer's determination, that pursuant to §15306 of the State CEQA Guidelines, the municipal service review is not subject to the environmental impact evaluation process because the service review consists of data collection and research that will not result in a disturbance to an environmental resource;
- (3) For the reasons set forth in the *Special Districts Sphere of Influence and Municipal Service Review Summaries and Service Review and Sphere of Influence Review Data Summary: Profiles of Special Districts in San Diego County*, adopted/affirmed the existing special district spheres of influence and written statements on file specifying the functions and classes of services; established special study areas as noted, and approved the Municipal Service Review recommendations contained in the Executive Officer's report;
- (4) Provided subject agencies 30 days to submit comments to the Executive Officer regarding corrected/updated information prior to finalization of the publication, *Service Review and Sphere of Influence Data Summary: Profiles of Special Districts in San Diego County*. Directed the Executive Officer to refer the data summary to the Special Districts Advisory Committee, if necessary; and
- (5) Directed the Executive Officer to prepare written Statements of Determinations and associated resolutions, consistent with the recommendations in the August 6, 2007 LAFCO staff report.

Item 9

Fourth Quarter Budget Report and Update FY 2006-07

Michael Ott reported that budget for FY 2006-07 was \$1.2 million dollars, and that LAFCO came under budget approximately \$7,500. He said that the \$7,500 will be transferred into LAFCO's Contingency Reserve Fund.

This was an information item and no action by the Commission was required.

Item 10

Quarterly Self-Approved Expense Claims Report

This was an information item and no action by the Commission was required.

Item 11

2007 Legislative Report Update

Harry Ehrlich, Legislative Director and LAFCO Consultant, provided the Commission with an update on the following senate and assembly bills related to LAFCO issues: SB 806 (Hollingsworth), SB 819 (Hollingsworth), AB 1263 (Caballero), AB 745 (Silve), AB 1019 (Blakeslee), AB 1262 (Caballero), SB 162 (Negrete McLeod), SB 301 (Romero), SB 558 (Cogdill), AB 1744 (Assembly Committee on Local Government) 2007 Omnibus Bill.

Michael Ott thanked Mr. Ehrlich for his role in the passage of SB 819 (Hollingsworth) by the Legislature.

Mr. Ehrlich also indicated that SB 806 (Hollingsworth) is now a two-year bill.

Item 12

Cancellation of the September 10, 2007 LAFCO Meeting

On motion of Commissioner Jacob, seconded by Commissioner Pocklington, and carried unanimously by the commissioners present, the Commission took the following action:

Approved the cancellation of the September 10, 2007 LAFCO meeting.

There being no further business to come before the Commission, the meeting adjourned at 10:00 a.m. to the October 1, 2007 meeting, in Room 302, County Administration Center.

**Tita Jacque Mandapat
Administrative Assistant**